

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDMONSON, *et al*, Docket No.: **20 CV 485 (EK)(CLP)**

Plaintiff,

-against-

KEITH RANIERE, *et al*

Defendants.

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I, AARON M. GOLDSMITH, ESQ., an attorney duly admitted to practice law before the Courts of the Federal Judiciary, Eastern District of New York, declare the following upon information and belief:

1. I was very recently retained to represent Defendant KEITH RANIERE in the above-captioned matter. As such I am fully familiar with the facts and circumstances herein.
2. I make this Declaration in Support of Defendant RANIERE's motion for an extension of time to file an Answer to the, now pertinent, Third Amended Complaint of the Plaintiffs herein (Doc.215), pursuant to Rules 6(b)(1)(B) and 7.1 of the FRCP.
3. The Court issued a *sua sponte* text Order dated October 15, 2024, directing that Defendant RANIERE may the instant application, despite its untimeliness.
4. As the Court is aware, Defendant RANIERE is the lead defendant in a criminal matter prosecuted by the US Attorney's Office, EDNY under Docket No: 18 Cr 204 (NGG), charging Racketeering amongst a host of substantive offenses. Defendant RANIERE was convicted of certain crimes by the Jury following a trial in the Summer of 2019.
5. Following his trial and indeed for most of the past four (4) years, Defendant RANIERE has engaged in motion practice to overturn the conviction in addition to his

sentencing proceedings. As this Court may not be aware, Defendant RANIERE currently has an appeal pending before the Second Circuit, arguing amongst other things, the manipulation of evidence used to establish predicate acts at trial, as well as profound constitutional violations.

6. While the post-judgment litigation does not excuse Defendant RANIERE's delay in filing responsive pleadings herein, alone, it is a substantial factor. Not only had Defendant RANIERE'S Counsel in those matters advised against any filings to avoid being misconstrued and used against his post-conviction motions, he has also suffered logistical difficulties.
7. First, Defendant RANIERE has had to rely upon third-party assistance in payment of legal fees. There is no opportunity for an inmate to be granted counsel under the CJA act herein, as it is a plenary civil proceeding other than a *Habeas* Petition. Second, the charity of others had been depleted to carry on post-judgment litigation and his appeal. Only recently was there a modest amount to permit initial retention of civil counsel. Third, for quite some time, Defendant RANIERE has been designated to Tucson, USP. This is a high security penitentiary and Defendant RANIERE is in the special housing unit, limiting his access to contact with civilians and legal counsel. In fact, his appellate counsel has informed me that Defendant RANIERE has only been granted access to a single legal visit per month.
8. In short, Defendant RANIERE suffered a conflagration of factors precluding his opportunity to effectively and appropriately defend himself from the Plaintiffs' action herein.

9. Should Defendant RANIERE's application be granted, Plaintiffs will not suffer any prejudice. In fact, a review of the docket indicates that discovery has not even begun, largely due to a number of motions seeking withdrawal and substitution of Plaintiffs' counsel, as well as Plaintiffs' motions seeking leave to file multiple amended pleadings over the past couple of years. Moreover, the Court has recently permitted other Defendants to file Answers herein.
10. It is clearly in the interests of justice and equity to permit Defendant RANIERE to file an untimely Answer to the Third Amended Complaint herein. Counsel respectfully requests the additional time to December 6, 2024 to permit correspondence between myself and Defendant RANIERE to be completed so that I may draft a more accurate responsive pleading.
11. It is also in the interests of all parties that Defendant RANIERE be permitted to untimely file his Answer so that the litigation can proceed with a necessary party included, and as efficiently as possible with counsel to represent him.
12. Counsel has not sought the stipulation of Plaintiffs' attorneys on this application prior to filing because of the (a) extraordinary lateness and (b) the Court's text Order of October 15, 2024 requiring a motion on behalf of Defendant RANIERE.

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WHEREFORE, it is respectfully requested that this Court grant Defendant KEITH RANIERE's application for an Order, pursuant to Rules 6(b)(1)(B) and 7.1 of the FRCP, for an extension of time to December 6, 2024, to file an Answer to the Third-Amended Complaint herein; and for such other and further relief as this Court deems just and proper.

Dated: New York, NY

November 9, 2024



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CERTIFICATION OF MAILING

This is to certify that a copy of the foregoing was delivered via electronic means, this 9th day of November, 2024, in compliance with the local rules of practice and procedure, to the person(s) and/or entities as listed below.

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